

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

ANTHONY PORTER,)
)
Plaintiff,)
)
v.)
)
CAPE GIRARDEAU COUNTY SHERIFF'S)
OFFICE, et al.,)
)
Defendants.)

MEMORANDUM AND ORDER

This matter is before the Court upon review of Defendants' renewed motion (ECF NO. 57) to dismiss and appointed counsel's second motion (ECF No. 58) for extension of time to file an amended complaint. Although the Court will grant appointed counsel's second motion for extension, the Court will order counsel to promptly meet with Plaintiff and to file an amended complaint no later than 45 days after date of this Order.

The Court also notes that the deadlines for discovery and for filing dispositive motions in the current Case Management Order (ECF No. 21) have expired and that, despite its numerous Orders directing counsel to confer regarding amendment to these deadlines, the parties have yet to file a motion to amend the CMO.

Accordingly,

IT IS HEREBY ORDERED that appointed counsel's motion (ECF No. 58) for extension of time to file an amended complaint is **GRANTED as follows:** appointed counsel shall file an amended complaint on behalf of Plaintiff no later than **December 2, 2019**. If an amended complaint is not timely filed, Defendants may renew their motion to dismiss the current complaint.

IT IS FURTHER ORDERED that Defendants' renewed motion to dismiss is **DENIED without prejudice**. ECF No. 57.

IT IS FURTHER ORDERED that the parties shall meet and confer and shall file, no later than **November 6, 2019**, any appropriate motion to amend the Case Management Order. Such motion shall also advise the Court of the parties' positions concerning the referral of this action to mediation and when such a referral would be most productive.

Audrey G. Fleissig
AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 16th day of October, 2019.